



Entered on Docket
June 09, 2008

A handwritten signature in black ink, appearing to read "R. Linda Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

USA CAPITAL REALTY ADVISORS, LLC,

CHAPTER 11

USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Jointly Administered Under Case No. BK-S-06-
10725 LBR

USA CAPITAL FIRST TRUST DEED FUND, LLC,

Hearing Date: May 8, 2008
Hearing Time: 10:30 a.m.

USA SECURITIES, LLC,

Debtors.

Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

1 **ORDER GRANTING MOTION FOR SUMMARY JUDGMENT TO CLASSIFY
2 CLAIM BY PECOS PROFESSIONAL PARK LIMITED PARTNERSHIP IN PLAN
3 CLASS A-7**

4 The USACM Liquidating Trust's Motion for Summary Judgment to Classify Claim
5 by Pecos Professional Park Limited Partnership ("Pecos") in Plan Class A-7 (the
6 "Motion") [DE 5122], came before the Court for hearing on May 8, 2008. The Court was
7 fully briefed, considered the opposition filed [DE 5432], and heard oral argument on the
matter. Being fully informed, and good cause appearing it is

8 **ORDERED**

9 That the Motion for Summary Judgment on USACM Liquidating Trust's Motion to
10 Classify Claims filed by Pecos Professional Park Limited Partnership in Plan Class A-7
11 [DE 3081] is Granted for the reasons stated at the hearing;

12 Pecos Professional Park Limited Partnership proof of claim 10725-00751-1 as
13 Amended by 10725-00751-2 and the disputed claim listed on the USACM Amended
14 Schedules for Pecos is reclassified and included in Class A-7 as a Subordinated Claim
15 under the confirmed Third Amended Joint Chapter 11 Plan of Reorganization.

16 The reclassified claim may be subject to further objection at a later date.

17 # # #

18 **PREPARED AND SUBMITTED:
19 LEWIS AND ROCA LLP**

21 By: /s/ RC (#0006593)

22 Susan M. Freeman
23 Rob Charles
24 *Attorneys for USACM Liquidating Trust*

25 **APPROVED/DISAPPROVED:
26 KEHOE & ASSOCIATES**

27 By: Ty E. Kehoe
28 Ty E. Kehoe, Esq.
29 871 Coronado Center Dr., Ste 200
30 Henderson, NV 89052

1 CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021
2

3 In accordance with Local Rule 9021, the undersigned certifies:
4

5

- 6 The Court waived the requirements of approval under LR 9021.
- 7 No parties appeared or filed written objections, and there is no trustee appointed
8 in the case.
- 9 No opposition was filed to the motion and no other party or counsel appeared at
the hearing.
- 10 I have delivered a copy of this proposed order to all attorneys and unrepresented
11 parties who have appeared at the hearing, and any trustee appointed in the case,
12 and each has approved or disapproved the order, or failed to respond, as
13 indicated below:

14 Ty E. Kehoe *Attorney for Pecos Professional Park Limited Partnership*
15 Approved/Disapproved

16 **LEWIS AND ROCA LLP**

17 By: /s/ RC (#0006593)

18 Susan M. Freeman
19 Rob Charles
20 *Attorneys for USACM Liquidating Trust*